IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Bail Appl..No. 1873 of 2007()

CRMP.637/2007 of J.M.F.C.,THIRUVALLA
CRIME NO.75/2006 OF THIRUVALLA EXCISE RANGE

.....

: APPLICANT/2ND ACCUSED

SUNNY, @ SURESH, S/O KUNJU KUNJU,
MANAKKALAYIL VEEDU, PUNNAKKUNNAM, KUTTAPPUZHA,
THIRUVALLA.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1873/2007

Dated this 9th day of April, 2007

O R D E R

The petitoienr, who is the second accused in C.R.No.75/2006 of Thiruvalla Excise Range for an offences punishable under Section 55(a) of the Abkari Act for allegedly having been found in possession of 40 litres of rectified spirit on 17.12.2006 and who was arrested on 7.2.2007, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting inter alia that the petitioner is an accused in anther crime (C.R.No.43/2006) of the very same excise Range, having regard to the fact that the final report has not been filed even after 60 days of detention of the petitioner, the petitioner is entitled to be released on bail as of right by virtue of the proviso to section 167(2) Cr.P.C.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M, Thiruvalla and subject to the following conditions:

(a). Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioner shall make himself available for interrogation as and when required by the police.

(c). The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

(d). The petitioner shall not commit any offence while on bail.

4. If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs